

**AUG 25 2006**

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

TALWINDER SANDHU-SINGH,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 04-71023

Agency No. A79-652-969

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted August 21, 2006\*\*

Before: GOODWIN, REINHARDT, and BEA, Circuit Judges.

Talwinder Sandhu-Singh, a native and citizen of India, petitions for review of an order of the Board of Immigration Appeals summarily affirming without opinion an immigration judge's ("IJ") order denying Sandhu-Singh's applications for asylum, withholding of removal, and relief under the Convention Against

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Torture (“CAT”). We have jurisdiction pursuant to 8 U.S.C. § 1252. The IJ made an adverse credibility finding against Sandhu-Singh, which we review for substantial evidence. *Lata v. INS*, 204 F.3d 1241, 1244 (9th Cir. 2000). “So long as one of the identified grounds is supported by substantial evidence and goes to the heart of [a petitioner’s] claim of persecution, we are bound to accept the IJ’s adverse credibility finding.” *Wang v. INS*, 352 F.3d 1250, 1259 (9th Cir. 2003).

Substantial evidence supports the IJ’s conclusion that Sandhu-Singh’s admission that he lied under oath at his bond hearing justifies an adverse credibility determination. The IJ considered Sandhu-Singh’s explanation that at the prior hearing he had been nervous and coached by fellow detainees. However, “[t]he possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency’s finding from being supported by substantial evidence.” *Singh-Kaur v. INS*, 183 F.3d 1147, 1150 (9th Cir. 1999) (quotation marks and citation omitted). We conclude that the inconsistency between Sandhu-Singh’s representations at the bond hearing and his testimony goes to the heart of his asylum claim and suffices to uphold the adverse credibility determination. *See de Leon-Barrios v. INS*, 116 F.3d 391, 394 (9th Cir. 1997).

By failing to qualify for asylum, Sandhu-Singh fails to satisfy the more stringent standard for withholding of removal. *See Alvarez-Santos v. INS*, 332 F.3d 1245, 1255 (9th Cir. 2003).

Sandhu-Singh is not entitled to CAT relief because he did not show that it is more likely than not that he would be tortured if returned to India. *See Malhi v. INS*, 336 F.3d 989, 993 (9th Cir. 2003).

**PETITION FOR REVIEW DENIED.**